IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CRIMINAL APPELLATE JURISDICTION

CRIMINAL APPLICATION NO. 8230 OF 2005

Shri Kiran Shubhash Alhat. ...Applicant
V/s.
State of Maharashtra. ...Respondent

Mr.R.U. Jha for Applicant.
Ms.S.D. Shinde, APP for the State.

CORAM : V.M. KANADE, J.

DATED : FEBRUARY 1, 2006

P.C. :-

. Heard learned Counsel for the applicant and learned APP for the State.

. The applicant is arrested on 1st December, 2004 for the offence registered with Cuff Parade Police Station under Sections 376, 328 of the IPC. It was alleged that the complainant was 21 years of age at the time when the complaint was lodged and that the applicant alongwith others had taken her to a garden and had given her soft drink. After consuming the same, she became unconscious. After regaining conscious, she realised that she had been raped and therefore, a complaint was lodged by her. After the first statement

was recorded by the police, her subsequent statement was lodged and she added the name of four other persons. The applicant is in jail since 1st December, 2004. The other co-accused have been released on bail.

2. I have perused the statement by the complainant and also the subsequent statement which is recorded by the police. There are number of contradictions and improvements in the said statement. The medical certificate also does not disclose any injury on the private part or other part of the body except abrasions on the knee. The chargesheet has also been filed. The complainant knew the applicant for a long time and they were in constant touch with. According to the complainant, the applicant had written number of letters to him. Considering this material, the possibility of conceptual sexual intercourse cannot be ruled out. The names of the other persons have been added subsequently. The story also does not appear to be entirely true.

3. In these circumstances, the applicant be released on bail in the sum of Rs.5000/- with one or two

sureties in the like amount. The applicant shall give local sureties and shall report to Cuff Parade Police Station twice in a month.

. The application is disposed of in the above terms.

(V.M. KANANDE, J.)